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<b>From</b>	Leigh J. Martinson	<b>Number of Pages</b>	7
<b>Date</b>	December 6, 2005	<b>Client Number</b>	2006579-0419
<b>Phone</b>	617-248-4003	<b>Operator</b>	<b>Time Sent</b>
<b>Comments</b>	Applicant: Stutz, et al. Patent No.: Issued: 822 PF Serial No.: 09/891,862 Filing Date: June 26, 2001 Title: METHODS AND APPARATUS FOR LOAD BALANCED INFORMATION AGGREGATION AND PRESENTATION	Examiner: Keith Coulter Art Unit: 2141	

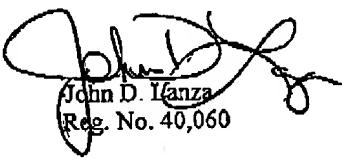
Sir:

Transmitted herewith for filing in the above-referenced application, please find the following documents:

- 1) Transmittal Letter (1 page);
- 2) Notice of Appeal Under 37 C.F.R. § 1.191 (2 pages);
- 3) Credit Card Payment Form (1 page);
- 4) Pre-Appeal Brief Reasons For Requesting Review (2 pages); and
- 5) This facsimile transmittal.

Kindly acknowledge receipt of the attached documents by return facsimile transmission. Thank you for your kind attention to this request.

Respectfully Submitted,

  
 John D. Ianza  
 Reg. No. 40,060

**Return by**      **Inter-office Mail**      **Hold for pick-up**

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EXPEDITED PROCESSING  
UNDER 35 U.S.C. § 1.116

ATTORNEY DOCKET NO. 2006579-0419 (CTX-073)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: *Stutz, et al.* 14  
Serial No.: 09/891,882 872  
Filing Date: June 26, 2001  
Title: Methods and Apparatus for Load Balanced Information Aggregation and Presentation

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I certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office and addressed to Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
<u>December 6, 2005</u>	<u>Kelley A. O'Neil</u>
Date	Signature
<u>Kelley A. O'Neil</u>	
Typed or Printed Name of person signing certificate	

TRANSMITTAL LETTER

Enclosed please find the following documents regarding the above-referenced matter:

1. Notice of Appeal Under 37 C.F.R. § 1.191 (2 pages);
2. Credit Card Payment Form authorizing of \$500.00 for Appeal (large entity) (1 page);
3. Pre-Appeal Brief Reasons for Requesting Review (2 pages); and
4. Facsimile Transmittal (1 page).

Please charge any other necessary fees or credit any overpayments to Deposit Account No. 03-1721.

Respectfully Submitted,

  
John D. Lanza  
Attorney for Applicant  
Reg. No.: 40,060

Dated: December 6, 2005

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Page 1 of 1

USSN 09/891,882  
4019443

Atty Docket: 2006579-0419  
Client Reference: CTX-073

DEC 06, 2005

EXPEDITED PROCESSING  
UNDER 35 U.S.C. § 1.116

ATTORNEY DOCKET NO. 2006579-0419 (CTX-073)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Stutz, <i>et al.</i>	Examiner:	Keith Coulter
Serial No.:	09/891,882 <i>822</i> M	Art Unit:	2141
Filing Date:	June 26, 2001	Methods and Apparatus for Load Balanced information Aggregation and	
Title:	Presentation		

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PRE-APPEAL BRIEF REASONS FOR REQUESTING REVIEW

The following Reasons are submitted with the "PRE-APPEAL BRIEF REQUEST FOR REVIEW" form PTO/SB/33 and A NOTICE OF APPEAL in compliance with 37 CFR 41.31.

In a Final Office Action dated October 6, 2005, the Examiner maintained the rejection of claims 1-8 under 35 U.S.C. §102(e) as anticipated by United States Patent Publication No. 2002/0120787 to Shapiro *et al.* (hereafter "Shapiro"). Applicants respectfully submit that the this rejection contains clear error because at least one claim limitation is not taught by Shapiro.

In the Response to the Non-Final Office Action filed by Applicants on June 27, 2005 at pages 4-6, applicants provided a clear and concise explanation as to why Shapiro fails to anticipate claims 1-8.

In addition to the arguments previously presented, applicants provide the following arguments in support of the position the Shapiro fails to anticipate claims 1-8. The claimed invention provides load balancing on a more granular level than that of Shapiro. That is, in the present invention as claimed load balancing is performed can be performed on the individual

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Atty Docket: 2006579-0419  
Client Reference: CTX-073

request that make up a transaction. For example, if a transaction includes three requests (request A, request B, and request C) each individual request can be sent to a separate server agent that, in turn, processes the request. The term transaction as used in the specification at page 2, paragraph 007 and page 32 paragraph 108 shows that each transaction can include multiple HTTP GET requests. Therefore, not only can load balancing be performed at the session level and the transaction level as in Shapiro, applicants claimed invention goes one step further and provides load balancing among the requests that comprise the transaction.

The Examiner suggests that Shapiro teaches this limitation in paragraph 0030. However, a closer reading of Shapiro shows that the requests referred to are actually session level request or transaction level request as those terms are used by the applicants. These requests are not the same as the requests referred to in the specification.

Accordingly, Applicants respectfully submit that Shapiro does not teach or suggest the limitation assigning a first request to a first server agent and a second request to a second server agent, as required by independent claims 1 and 8, and their dependent claims. Applicants respectfully request that the panel allow the claims because they are not anticipated by Shapiro.

Respectfully submitted,



John D. Lanza  
Attorney for Applicant  
Registration Number 40,060

Dated: December 6, 2005

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Atty Docket: 2006579-0419  
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